POLICE POWER—"EUGENIC MARRIAGE" LAWS—VALIDITY.—A statute required a certificate from a competent physician stating that a male applicant for a license to marry was free from acquired venereal disease before the license should be issued. *Held,* this is a valid exercise of the police power. *Peterson* v. *Widule* (Wis.), 147 N. W. 966.

This case raises the question of constitutionality on two points of the so-called "Eugenic Marriage Law" in Wisconsin. First, is it a reasonable classification in not requiring a similar examination to be undergone by women; and second, does it exercise an invalid restriction on the alienable right of marriage?

Distinction between the sexes has often been upheld in the exercise of the police power. *Muller* v. *Oregon,* 208 U. S. 412. Moreover, since, in the ordinary walks of life, instances of illicit sexual intercourse are more frequent in the case of men than of women and since suspicion as to chastity would more readily arise as a result of such an examination of a woman, bringing such direful consequences, the classification provided by the statute involved in the principal case could not appear otherwise than reasonable and just.

The regulation and prohibition of marriage as a measure for preserving the health and vigor of the race is eminently a field for the exercise of the police power. Without exception statutes prohibiting the intermarriage of whites and negroes have been upheld. *Lonas* v. *State,* 3 Hiesk. (Tenn.) 287; *Ex parte Francois,* 3 Woods 386, Fed. Cas. No. 5047. Likewise in the case of marriages of epileptics. *Gould* v. *Gould,* 78 Conn. 242, 61 Atl. 604. In view of the undoubted fact that the issue of marriages of persons affected with venereal diseases are defective, the principal case would seem clearly to come under the police power.

The wisdom and policy of such laws is open to question. Whether such statutes will not be productive of illicit intercourse in many cases where in the absence of the statute, marriage would have been the state, and whether it will not be a burden solely upon persons unaffected by these diseases, since persons affected could move from the State in order to marry, are questions for grave consideration. But provided they have some relation to the end desired, the policy and efficiency of laws in the exercise of the police power are matters for legislative, rather than judicial, inquiry. *State* v. *Cantwell,* 179 Mo. 245, 78 S. W. 569, affirmed, 199 U. S. 603; *Gleason* v. *Weber,* 155 Ky. 431, 159 S. W. 976.

RECORDATION—CHATTEL MORTGAGES.—A statute declared that a chattel mortgage should not be valid as to third persons unless recorded. A chattel mortgage was never recorded and the mortgagor, who still retained possession, sold the chattels to the plaintiff who had knowledge of the mortgage. *Held,* the purchaser took subject to the mortgage. *Howard* v. *McPhail* (R. I.), 91 Atl. 12.

The sole purpose of such statutes is to protect *bona fide* purchasers for value by requiring recordation of mortgages and secret liens. Accordingly the weight of authority sustains the view taken in the principal case. *Elliott* v. *Washington,* 137 Mo. App. 526, 119 S. W. 42; *Kitchen* v. *Schuster* (N. M.), 89 Pac. 261. However, there is authority, in cases in-